

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

CARLOS JEAN-PIERRE

Plaintiff,

v.

THE GEO GROUP, INC., *et al.*,

Defendants.

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CIVIL ACTION NO. 5:16-cv-89 (MTT)

ORDER

United States Magistrate Judge Charles H. Weigle recommends allowing the Plaintiff's religious freedom claims against Defendants Fletcher, Warren, and Young to proceed for further factual development and dismissing the Plaintiff's deliberate medical indifference claims, his religious freedom claims against Defendants Head and Smith, and his claims against The GEO Group, Inc. (Doc. 7). The Plaintiff has objected to the Recommendation. (Doc. 12). Pursuant to 28 U.S.C. § 636(b)(1), the Court has reviewed the Recommendation and the Plaintiff's objection and has made a de novo determination of the portions of the Recommendation to which the Plaintiff objects.

The Magistrate Judge dismissed the religious freedom claims against Smith because the Plaintiff's allegation that she "did not correct issues during the administrative appeal and grievance process" was not sufficient to state a claim for direct or supervisory liability. (Doc. 7 at 8). In his objection, the Plaintiff explains that even though Smith knew about his religious belief and knew that the chaplain had made a "special religious request" allowing him to grow a beard, she continued to deny his

grievances about growing his beard “based on unfounded grounds.” (Doc. 12 at 2). He alleges that she personally participated in the decision to deny these grievances. (Doc. 12 at 2). However, the mere fact that a prison official denies a grievance is insufficient to impose liability under § 1983. See *Larson v. Meek*, 240 F. App’x 777, 780 (10th Cir. 2007) (“[D]enial of the grievances alone is insufficient to establish personal participation in the alleged constitutional violations.”); *Spore v. Rogers*, 2015 WL 5046582, at *5 (M.D. Ga.) (quoting *Larson*).

The Court has reviewed the Recommendation, and the Court accepts and adopts the findings, conclusions, and recommendations of the Magistrate Judge. The Recommendation is **ADOPTED** and made the order of this Court. The Plaintiff’s deliberate medical indifference claims and the claims against Defendants Head, Smith and The GEO Group, Inc. are **DISMISSED without prejudice**.¹

SO ORDERED this 8th day of July, 2016.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT

¹ The statute of limitations will not bar the Plaintiff from re-filing these claims.